

**\*NOT FOR PUBLICATION\***

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

<b>IKE JACOBSON,</b>	:	
	:	
<b>Petitioner,</b>	:	<b>Civil Action No. 12-1258 (ES)</b>
	:	
<b>v.</b>	:	<b>MEMORANDUM OPINION</b>
	:	
<b>UNITED STATES OF AMERICA,</b>	:	
	:	
<b>Respondent.</b>	:	

THE COURT having issued a Memorandum Opinion and Order on April 5, 2013 dismissing Petitioner's petition for a writ of *coram nobis* with prejudice; and

IT APPEARING that on August 29, 2013, Petitioner filed a pro se<sup>1</sup> motion requesting that this Court "re-issue" its September 4, 2012 decision so that Petitioner's thirty-day appeal period will re-start (D.E. No. 9)<sup>2</sup>; and Petitioner arguing that, although his counsel informed the Court of counsel's new address (D.E. No. 7), counsel failed to inform Petitioner and, as a result, Petitioner did not receive a copy of the Court's April 5, 2013 decision (D.E. No. 8) denying the petition; and Petitioner further arguing that the time period within which he could file an appeal of the Court's April 5<sup>th</sup> Opinion and Order has now since expired and he therefore requests that the Court "re-issue" its decision; and

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<sup>1</sup> According to the docket, Petitioner is still represented by counsel. However, based on information contained in Petitioner's motion, it appears that he is no longer represented. (D.E. No. 9 at 4).

<sup>2</sup> Although Petitioner states that he would like the Court to re-issue its September 4, 2012 Order, it appears that he actually meant the April 5, 2013 Opinion and Order. The September 4<sup>th</sup> Order only administratively terminated the case due to Petitioner's failure to provide a current mailing address and that order was effectively withdrawn when the Court entered its April 5<sup>th</sup> Opinion and Order re-opening the case and addressing the petition on its merits. (See D.E. Nos. 3 & 8).

THE COURT finding that Federal Rule of Appellate Procedure 4(a)(6) provides that, when a party does not receive notice of a judgment in accordance with Federal Rule of Civil Procedure 77(d), the district court may reopen the time to file an appeal if a motion to reopen is filed within 180 days after the judgment is entered, or within fourteen days after the party receives notice, whichever is earlier, *see Bowles v. Russell*, 551 U.S. 205, 208-09 (2007); and

THE COURT further finding that Petitioner states that he received a copy of the Opinion and Order denying his petition on June 10, 2013 (D.E. No. 9 at 4); however, Petitioner did not file his motion seeking to re-open the time to file an appeal until August 29, 2013—well beyond the fourteen-day time period permitted by Federal Rule of Appellate Procedure 4(a)(6); and the Court having considered the matter without oral argument pursuant to Rule 78(b) and Local Civil Rule 7.1(i); and for good cause appearing, Petitioner’s motion is DENIED; the Court will issue an appropriate order.

s/*Esther Salas*  
**Esther Salas, U.S.D.J.**